THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.5983 OF 2006

DATED: 21st JUNE, 2006.

Between

Chunchu Krishnaiah … Petitioner

And

1. The Agent to the Government/District Collector, Khammam District,'

Khammam and others. .. Respondents

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.5983 OF 2006

ORDER :

Heard the learned Counsel for both the parties and perused the material on record.

The petitioner claims to be the owner and possessor of Ac.2-00 cents of land situated in R.S.No.160/1 Part and 160/4 of Bhadrachalam, Khammam District. The Mandal Revenue Officer, Bhadrachalam, having initiated proceedings under the Andhra Pradesh Land Encroachment Act, 1905 (for short, 'the Act') passed an order dated 6-6-1995 directing eviction of the petitioner from the land in question. Against the said order, the petitioner preferred an appeal being L.E.Appeal Case No.12 of 2005 before the 3rd respondent – Revenue Divisional Officer, Bhadrachalam. The said appeal was dismissed by order dated 19-11-2005. Questioning the same, the petitioner preferred Revision before the 2nd respondent - Joint Collector, Khammam. The 2nd respondent – Joint Collector, Khammam, having entertained the said Revision, by order dated 12-2-2006 directed that Status Quo as on that date shall be maintained. Admittedly, the said Revision Petition is still pending.

However, the petitioner alleged that in spite of the order of Status Quo granted by the 2nd respondent, the respondents 3 to 5 attempted to dispossess him. Hence, this writ petition seeking a declaration that the action of the respondents in interfering with the possession and enjoyment of the petitioner in respect of the land in question is arbitrary and illegal.

This Court while directing Rule Nisi, by order dated 24-3-2006 ordered that Status Quo as per the order of the 2nd respondent dated 12-2-2006 shall be maintained. The said order continues to be in force as on today.

In response to Rule Nisi ordered, the respondent No.4 filed a counter-affidavit contending that the petitioner has no right in respect of Ac.1.35 cents of land situated in Sy.No.160/4 and that the said land is

a Government land.

A separate counter-affidavit has been filed by the 6th respondent stating that the land in question was allotted for construction of a Tribal Girls Hostel and the possession of the same was already taken by the 4th respondent on 23-5-2005.

Be that as it may, since the Revision Petition is still pending, it is for the 2nd respondent to enquire into the rival claims made by the parties and to pass appropriate orders in accordance with law. It would not be appropriate for this Court to express any opinion on merits at this stage.

As can be seen from the averments in the affidavit filed in support of the writ petition, the only grievance of the petitioner appears to be that in spite of the order of Status Quo granted by the 2nd respondent in the Revision Petition pending on his file, the respondents are attempting to dispossess him. Since this Court has granted interim direction to maintain Status Quo and that the same has been in operation till date, no further orders are necessary in the writ petition except to direct the 2nd respondent to dispose of the Revision Petition pending on his file as expeditiously as possible preferably within a period of six weeks from the date of receipt of this order. Till such time, Status Quo as ordered by this Court on 24-3-2006 in W.P.M.P.No.7645 of 2006 shall be maintained.

Writ Petition is accordingly disposed of. No costs.

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G. ROHINI, J.

Dt. 21-6-2006

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